

**Application No.: 10/758,039**

**REMARKS**

The Examiner has maintained the rejection of claims 24, 25 and 39 under 35 U.S.C. § 102 as being anticipated by Phillips et al. '595 ("Phillips"). This rejection is respectfully traversed for the following reasons.

In order to expedite prosecution, Applicants' representative initiated a telephone interview with Examiner Wimer. Applicants and Applicants' representative would like to thank Examiner Wimer for his detailed comments in the Advisory Action making his position clear, his courtesy in conducting the interview and for his assistance in resolving issues. During the interview, Applicants indicated that an amendment would be filed which incorporated features which the Examiner implied in the Advisory Action are not disclosed by Phillips.

For example, as amended, each of independent claims 24 and 39 embodies a second radiation-conductive element having *walls perpendicular to the surface of the grounding substrate*. One exemplary embodiment is shown, for example, in Figure 35 of Applicants' drawings wherein the radiation-conductive element 43 has walls which are perpendicular to the grounding substrate 41. It is respectfully submitted that such a feature, in the particular combination of elements recited in claims 24 and 39, distinguishes the present invention over the *broadly* interpreted *parallel* conductors of Phillips as implicitly acknowledged by the Examiner in the outstanding Advisory Action (see lines 15-17 of the continuation page).

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Phillips does not anticipate claims 24 and 39.

**Application No.: 10/758,039**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on its own merits by adding novel and non-obvious features to the combination. Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

**CONCLUSION**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Ramyar M. Farid  
Registration No. 46,692

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 RMF:MWE  
Facsimile: 202.756.8087  
Date: July 29, 2005

Please recognize our Customer No. 20277 as  
our correspondence address.